

REMARKS

Claims 1-32 are pending in the application. Claims 1-32 stand rejected. Applicant respectfully requests consideration of the following remarks and allowance of the claims.

35 U.S.C. 103(a) Rejection

Claims 1, 4-6, 8-13, 16-22, 25-27, and 29-32 stand rejected under 35 U.S.C. 103(a) as anticipated by U.S. Patent No. 6,026,078 (Smith) in view of U.S. Patent No. 6,731,738 (Qiu). Applicant respectfully traverses the rejection for at least the following reasons.

The Qiu reference is an improper reference. The combination of Smith with Qiu is therefore improper. The obviousness rejection should therefore be withdrawn.

Subject matter (the Qiu reference) that qualifies as prior art only under 35 U.S.C. 102(e) does not qualify as prior art under 35 U.S.C. 103(c) if the reference, at the time the invention was made, was commonly owned (See MPEP 706.02(I)(1)). In this case, Qiu was assigned to Sprint Communications Company, L.P., which is the same assignee as in the present application. In addition, Qiu does not qualify as prior art under any other sections of 35 U.S.C. 102 other than 102(e). The reference is therefore improper and the rejection should be withdrawn.

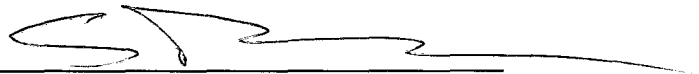
Claims 2-3, 7, 14-15, 23-24, and 28 stand rejected under 35 U.S.C. 103(a) as anticipated by U.S. Patent No. 6,026,078 (Smith) in view of U.S. Patent No. 6,731,738 (Qiu) and further in view of U.S. Patent No. 6,286,038 (Reichmeyer). Applicant refrains from a discussion of the rejection for the sake of brevity.

CONCLUSION

The claims in their present form are allowable over the art of record. Applicant therefore solicits their allowance.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 210765.

Respectfully submitted,



SIGNATURE OF PRACTITIONER

Stephen S. Roche, Reg. No. 52,176

Setter Roche LLP

Telephone: (720) 562-2280

Correspondence address:

CUSTOMER NO. 28004

Attn: Melissa A. Jobe

Sprint Law Department

6450 Sprint Parkway

Mailstop: KSOPHN0312-3A461

Overland Park, KS 66251